



# PUBLIC NOTICE

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DA 04-2683  
August 26, 2004

## AM Auction No. 84 Singleton Applications

### Media Bureau Announces Form 301 Application Deadline and Ten-Day Petition to Deny Period

By this *Public Notice*, the Media Bureau establishes certain filing deadlines for the AM Auction No. 84 applications listed in Attachment A-1 and petitions to deny these applications. On November 6, 2003, the Media Bureau and the Wireless Telecommunications Bureau released a public notice announcing a January 26-30, 2004, AM auction filing window for applications for new AM stations and major modifications to authorized AM facilities.<sup>1</sup> The Media Bureau has determined that the applications listed in Attachment A-1 are not mutually exclusive with any other applications submitted in the filing window. These applicants must follow the procedures set forth below. The Media Bureau will release additional lists of singleton applications as studies are completed.

**Required Forms:** The singleton applicants listed in Attachment A-1 must submit a complete FCC Form 301 application between August 30, 2004, and October 29, 2004, pursuant to the procedures set forth in the Commission's rules.<sup>2</sup> Applicants must simultaneously submit the

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<sup>1</sup> See *Public Notice*, "AM New Station and Major Modification Auction Filing Window; Minor Modification Application Freeze," 18 FCC Rcd 23016 (MB/WTB 2003) ("*Auction 84 Filing Window Public Notice*").

<sup>2</sup> See 47 U.S.C. § 8; 47 C.F.R. §§ 0.401(b), 1.1104, 1.1109, 1.1110, 73.5005(d), 73.3512. Generally, applicants whose short form applications are determined to be non-mutually exclusive must file the appropriate long form applications within thirty days of public notice identifying such non-mutually exclusive applications. See e.g. 47 C.F.R. § 73.5005(d). Given the significant volume of AM applications filed in response to the *Auction 84 Filing Window Public Notice*, we hereby extend the 30-day period for the filing of long form applications. See *Implementation of Section 309(j) of the Communications Act-Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Services Licenses ("Broadcast First Report and Order")*, 13 FCC Rcd 15920, 15984 (1998), *recon denied*, 14 FCC Rcd 8724 (1999), *modified*, 14 FCC Rcd 12541 (1999) (retaining discretion to extend the 30-day period for the filing of long form applications upon good cause showing).

required application filing fee for a construction permit for a new commercial AM radio station or for a major change in an authorized AM station and an FCC Form 159, Remittance Advice.<sup>3</sup>

The facilities proposed in Form 301 must comply with all applicable AM rules. Applicants must demonstrate that the proposed facilities protect existing stations and earlier filed applications, and that the daytime and nighttime facilities comply with principal city coverage requirements.<sup>4</sup> Certain minor changes, as defined in Section 73.3571 of the Commission's rules, are permitted in the facilities specified in the complete FCC Form 301.<sup>5</sup>

***Inconsistent, conflicting or multiple applications:*** Several applicants have previously filed FCC Form 301 applications covering the same facilities for which new or major change technical proposals were submitted in the most recent AM filing window. In these cases, the submission of a complete FCC Form 301 application for proposals listed in Attachment A-1 may violate the prohibition on the filing of inconsistent, conflicting or multiple applications.<sup>6</sup> In order to avoid the return of an application filed in response to this Public Notice, applicants may simultaneously request the dismissal of the prior-filed application conditioned on the grant of the FCC Form 301 filed in response to this Public Notice.

***How to file:*** Applicants must file complete FCC Form 301 applications electronically through the Media Bureau's Consolidated Database System (CDBS) online electronic forms system. For information regarding electronic application filing, refer to *Public Notice, Mass Media Bureau Implements Consolidated Database System (CDBS) Electronic Filing of FCC Forms 301, 302, 314, 315, 316, and 347* (released April 28, 2000). When filing the complete FCC Form 301, applicants must select "Long Form Application for AM Auction No. 84" on the Pre-form for Form 301 (Question 2 – Application Purpose). In addition, the CDBS file number previously issued to the tech box submission filed in the AM Auction No. 84 filing window must be entered on the Pre-form in the field "Eng. Proposal File Number." Instructions for use of the electronic filing system are available in the CDBS User's Guide, which can be accessed from the electronic filing web site at:

<http://www.fcc.gov/mb/elecfile.html>

For assistance with electronic filing, call the Audio Division Help Desk at (202) 418-2662.

The staff will return applications not submitted in accordance with the procedures described above. The staff will dismiss, without further processing, the previously filed Form 301 tech box

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<sup>3</sup> Effective August 10, 2004, this fee is \$3,310.00. See schedule of charges at 47 C.F.R. § 1.1104. Method and form of payment is addressed in 47 C.F.R. §§ 1.1109 and 1.1110. See also the Media Services Application Fee Filing Guide and the FCC Form 301 instructions.

<sup>4</sup> See 47 C.F.R. §§ 73.24, 73.37, and 73.182.

<sup>5</sup> See 47 C.F.R. § 73.5005. Pursuant to procedures adopted in the *Broadcast Auction First Report and Order*, singleton applicants filing FCC Form 301 applications may modify the technical proposals specified in their tech box proposal. However, such singleton applicants may not specify in the FCC Form 301 application a change in the proposed facility that constitutes a major change from the facility specified earlier, nor may applicants create new mutual exclusivities or application conflicts. See *Broadcast Auction First Report and Order*, 13 FCC Rcd at 15991.

<sup>6</sup> See 47 C.F.R. §§ 73.3518 and 73.3520.

submissions of any applicant listed in Attachment A-1 that fails to submit the complete FCC Form 301 by October 29, 2004.

***Petition to Deny Filing Period:*** The staff will study the submitted FCC Form 301 applications for acceptability. It will subsequently announce applications determined to be acceptable for filing by public notice in the daily "Broadcast Applications" reports. Petitions to deny an FCC Form 301 application must be filed within 10 days after the release of the pertinent notice of acceptance.<sup>7</sup>

For additional information, contact Susan Crawford or Ann Gallagher (engineering), Lisa Scanlan or Tom Nessinger (legal) of the Audio Division at (202) 418-2700.

**Attachment A-1:** AM Auction No. 84 Singleton Applications

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<sup>7</sup> See 47 C.F.R. § 73.5006.